

RESOLUTION NO. _____

A RESOLUTION OF THE OVERSIGHT BOARD OF THE CITY OF MAYWOOD AS SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE TRANSFER OF REAL PROPERTY LOCATED AT 5515 MAYWOOD AVENUE, MAYWOOD, CALIFORNIA, WITH ASSESSOR'S PARCEL NO. 6311-26-902, FROM THE SUCCESSOR AGENCY TO THE CITY OF MAYWOOD FOR A GOVERNMENTAL PURPOSE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34181(A)

WHEREAS, the real property located at 5515 Maywood Avenue, Maywood, California, identified as Assessor's Parcel No. 6311-26-902 ("Property") was purchased by the City of Maywood Community Development Commission ("CDC") for the purposes of developing a park in the western portion of the City of Maywood; and

WHEREAS, the Trust for Public Land ("TPL"), a California non-profit public benefit corporation, is authorized by the State of California to preserve open space within the State of California; and

WHEREAS, on or about February 9, 2010, the CDC and TPL entered into a "Donation Agreement for Development and Construction of the Maywood Avenue Park" ("Agreement") whereby the CDC would provide the land and TPL would provide the funds, design and specifications, technical support, and construction resources to develop Maywood Avenue Park, a pocket park; and

WHEREAS, the CDC and TPL previously entered into a similar agreement and developed Pine Avenue Park, a pocket park in the north central portion of the City of Maywood; and

WHEREAS, currently the City of Maywood has only two neighborhood parks – Maywood City Park and Riverfront Park; and two pocket parks – Pixley Park and Pine Avenue Park, totaling approximately 13 acres of land; and

WHEREAS, these existing parks represent a total land area which is far below the 70 acres of parkland that the City of Maywood's General Plan requires based on the national average formula for a City of approximately 28,000 residents; and

WHEREAS, on December 29, 2011, in *California Redevelopment Association v. Matosantos*, the California Supreme Court upheld ABX1 26, which dissolved all redevelopment agencies in California; and

WHEREAS, Health and Safety Code Section 34181(a) permits the Oversight Board to the Successor Agency to Maywood Community Redevelopment Agency ("Oversight Board" & "Successor Agency") to direct the Successor Agency to transfer all assets of the former Maywood Community Redevelopment Agency that were constructed and used for a governmental purpose; and

WHEREAS, Health and Safety Code Section 34191.3 authorizes the Successor Agency to transfer such properties used for a valid governmental purpose; and

WHEREAS, Health and Safety Code Section 34181(a) explicitly defines a park as a valid governmental purpose; and

WHEREAS, the agreement between the CDC and TPL entered on or about February 9, 2010, is a valid enforceable obligation pursuant to Health & Safety Code Sections 34171(d)(1)(E)¹ and 34177.3(a); and

WHEREAS, the City is the appropriate public jurisdiction that should receive the Property, because it is the public jurisdiction that is using the Property for the described valid governmental purpose; and

WHEREAS, on May 13, 2013, the Successor Agency to the Maywood Community Redevelopment Agency approved a resolution authorizing the transfer of real property located at 5515 Maywood Avenue with Assessor Parcel No. 6311-26-902 to the City as property to be used as parkland as a valid governmental purpose; and

WHEREAS, the City desires to receive the Property from the Successor Agency so that it may continue to use the Property for its valid governmental purpose as described above; and

WHEREAS, the Successor Agency recommends that the Oversight Board approve a resolution transferring said Property from the Successor Agency to the City as an asset to be constructed and used for a governmental purpose pursuant to HSC Section 34181(A) and that such transference be communicated to the State Department of Finance for its consideration and approval.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE CITY OF MAYWOOD AS SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY REDEVELOPMENT AGENCY DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. The Oversight Board finds that all of the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Maywood Oversight Board finds that the Property is an asset of the Successor Agency that was purchased by the City of Maywood Community Redevelopment Commission for the purpose of constructing a park.

SECTION 3. The Maywood Oversight Board finds that the Property will be used for the valid governmental purpose, as described and defined by Health and Safety Code Sections 34181(a), 34191.4, and 32501 in the form of a park.

¹ All code sections referenced are the Health and Safety Code.

SECTION 4. The Maywood Oversight Board finds and determines that the City is the appropriate public jurisdiction to receive the Property because it is the public jurisdiction that is engaging in the described valid governmental purpose.

SECTION 5. The Maywood Oversight Board hereby authorizes and directs the Executive Director of the Successor Agency to take all actions necessary and required to complete the transfer of the Property from the Successor Agency to the City of Maywood pursuant to Health and Safety Code Sections 34181(a), 34191.3, and any other applicable law.

SECTION 6. The Maywood Oversight Board Secretary shall certify to the passage and adoption of this resolution and shall cause the same to be entered into the book of original resolutions.

PASSED, APPROVED and ADOPTED ON this 12th day of June, 2013.

Lilian Myers, Chair
Oversight Board of Successor Agency to the
Maywood Community Redevelopment Agency

ATTEST:

Ivonne Umana
Oversight Board Secretary

I HEREBY CERTIFY the foregoing Resolution was duly adopted by the Maywood Oversight Board at a regular meeting held on the 12th day of June, 2013, by the following vote:

AYES:

NAYES: